

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ERIKA LEE,

Plaintiff,

- against -

DELTA AIR LINES, INC.,

Defendant.
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/22/2024

22-CV-8618 (DEH) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

As Defendant correctly notes in Dkt. 87, Plaintiff filed a 33-page single-line- spaced brief in opposition to Defendant's motion to dismiss. Defendant's brief is the equivalent of 66 pages double-spaced and greatly exceeds this Court's rule on the length of briefs, which requires leave to file a brief in excess of 25 double-spaced pages. Plaintiff did not seek leave. Although Plaintiff is pro se, she is no stranger to the importance of complying with procedural rules, having been chastised many times for violations in her previous case in federal court in California, which was dismissed for failing to comply with such rules.

Defendant requests, in Dkt. 87, that Plaintiff's brief be struck and that Plaintiff be given an opportunity to refile a compliant brief. Plaintiff has responded with a 5-page, single-spaced brief – effectively four pages of single-spaced text – that violates this Court's rules on letter motion correspondence by exceeding the 3-page limit. (See Dkt. 88.)

In short, Plaintiff has shown no respect for the rules imposed in federal courts, including before this Court. The Court agrees that striking Plaintiff's opposing brief at Dkt. 86 is warranted. Accordingly, it is hereby ordered that:

1. Plaintiff's brief filed at Dkt. 86 shall be stricken from the record.
2. Plaintiff may refile an opposition brief that is no longer than 25 double-spaced pages. Any such opposition shall be filed by April 24, 2024.
3. Defendant shall file a reply, if any, by May 14, 2024.

The Clerk of Court is respectfully directed to strike Dkt. 86 and terminate the letter motion at Dkt. 87.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: March 22, 2024
New York, New York

The Court respectfully requests the Clerk of Court to mail a copy of this Order to the pro se Plaintiff:

Erika Lee
20 Confucius Plaza, Apt. 10K
New York, NY 10002